

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading November 23, 2009
Case/Project No.: FY10-05E-2 Resolution No. 09-332
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on December 14, 2009, for the Wastewater Disinfection. Project #FY10-05E-2.

BACKGROUND/DISCUSSION

- The City of Council Bluffs Water Pollution Control Plant (WPCP) was placed into operation in 1973. Over the past 3 decades several additions and upgrades have been undertaken to maintain treatment process, upgrade the system and replace equipment that has reached its service life.
- Disinfection of final effluent was last performed at the WPCP in 1998 based on the then current federal regulations.
- The Iowa Department of Natural Resources (DNR), in accordance with new federal regulations, mandated in a letter dated March 9, 2007, that the City of Council Bluffs WPCP provide for disinfection of its final effluent in accordance with the new federal regulations on or before March 15, 2011.
- The following schedule was developed jointly by the City of Council Bluffs and the IDNR regarding the mandate:

Monitoring of effluent through December 31, 2008, final effluent disinfection

Preliminary design submittal for disinfection system on or before April 15, 2009

Final design submittal for disinfection system on or before September 30, 2009

Bid contract documents for disinfection system on or before January 1, 2010

Progress report on construction on or before September 1, 2010

Substantial completion of disinfection system on or before December 31, 2010

Effluent to meet new regulations for disinfection March 15, 2011

- Since the disinfection project is mandated by federal and state regulations failure to comply could result in noncompliance and fine for the City of Council Bluffs.
- After analysis, ultraviolet light was selected as the means of disinfection.
- Equipment for the UV disinfection was procured by the City earlier in Project FY10-05E-1 which was awarded September 14, 2009, to Azonia.
- Project FY10-05E-2 is the construction of facilities at the WPCP and installation of procured equipment and has the following schedule:

Set Public Hearing	November 23, 2009
Hold Public Hearing	December 14, 2009
Letting	January 28, 2010
Award	February 08, 2010

- The disinfection project will be project FY10-05E in the CIP. Project cost is \$4.0 million and is funded by a State Revolving Fund (SRF) loan through the Iowa Finance Authority (IFA).

RECOMMENDATION

Approval of this resolution.

Approved By: Greg Reeder, Public Works Director

RESOLUTION
NO 09-332

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
WASTEWATER DISINFECTION
FY10-05E-2**

WHEREAS, the City wishes to make improvements known as the Wastewater Disinfection, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Wastewater Disinfection setting December 14, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading November 23, 2009
Case/Project No.: FY10-18 Resolution No. 09-333
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on December 14, 2009, for the Wastewater Treatment Plant Digester Complex Upgrade. Project #FY10-18.

BACKGROUND/DISCUSSION

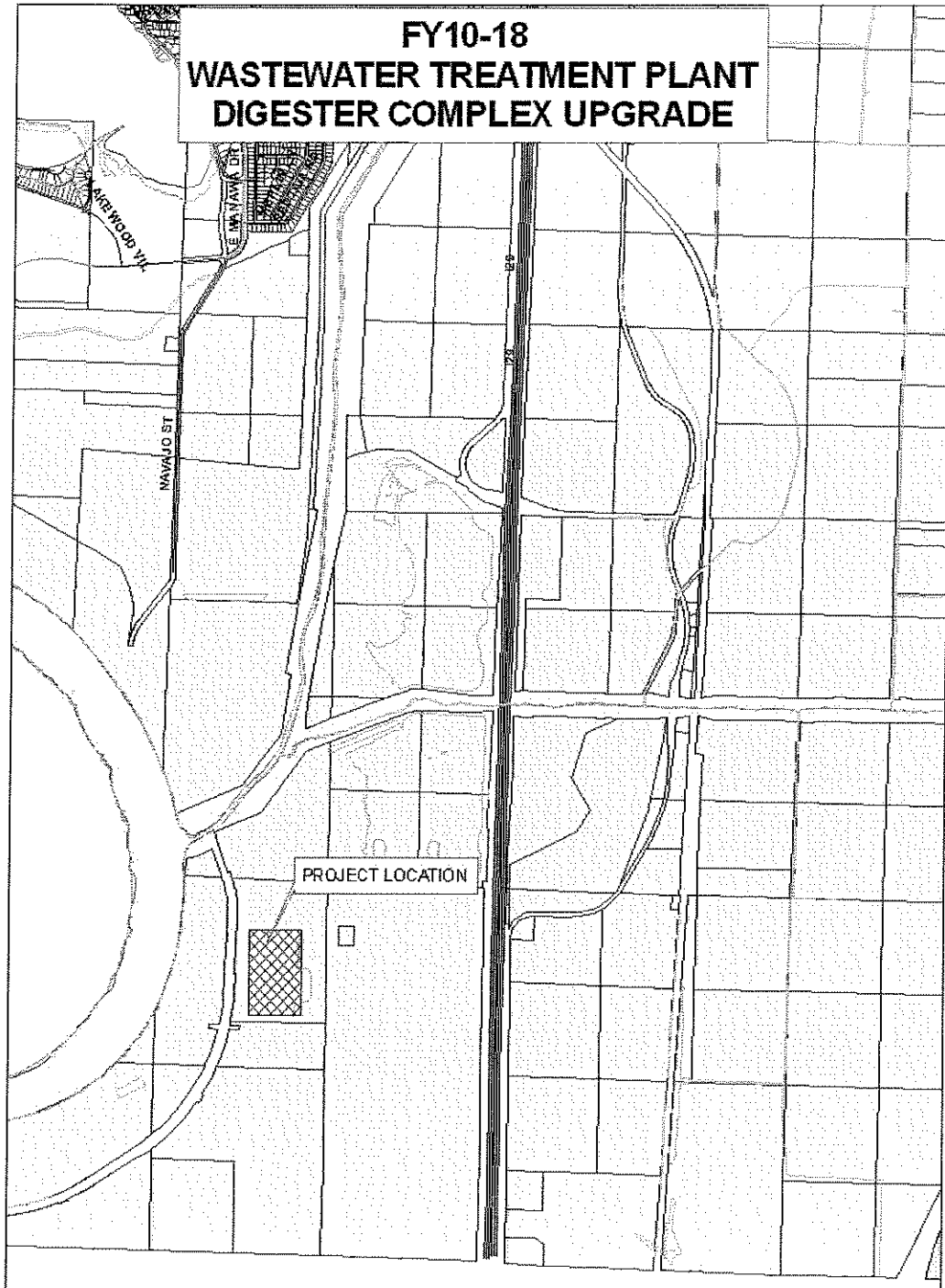
- The City of Council Bluffs Water Pollution Control Plant (WPCP) was placed into operation in 1973. Over the past 3 decades several additions and upgrades have been undertaken to maintain the treatment process.
- The sludge digestion complex has been in service for 36 years. The covers for digesters 1 and 2 require repair. The heater control center and the sludge heaters require replacement.
- The equipment in the sludge digestion complex has sustained corrosion problems and cannot be serviced because repair parts are not longer available.
- The corroded and unserviceable equipment pose a safety hazard and a failure could result in the inability to provide continuous/compliant sludge digestion and methane gas management.
- The estimated cost for design and construction is \$1.5 M. The City has applied for and was selected for a SRF design loan in the amount of \$225,000. The city is in the process of applying for construction funds from SRF.
- In accordance with SRF guidelines the project must be designed this year and will be under construction February, 2010, contingent on funding.
- The tentative project schedule is:

Set Public Hearing	November 23, 2009
Hold Public Hearing	December 14, 2009
Bid Letting	February 2, 2010
Award	February 8, 2010
Construction	2010

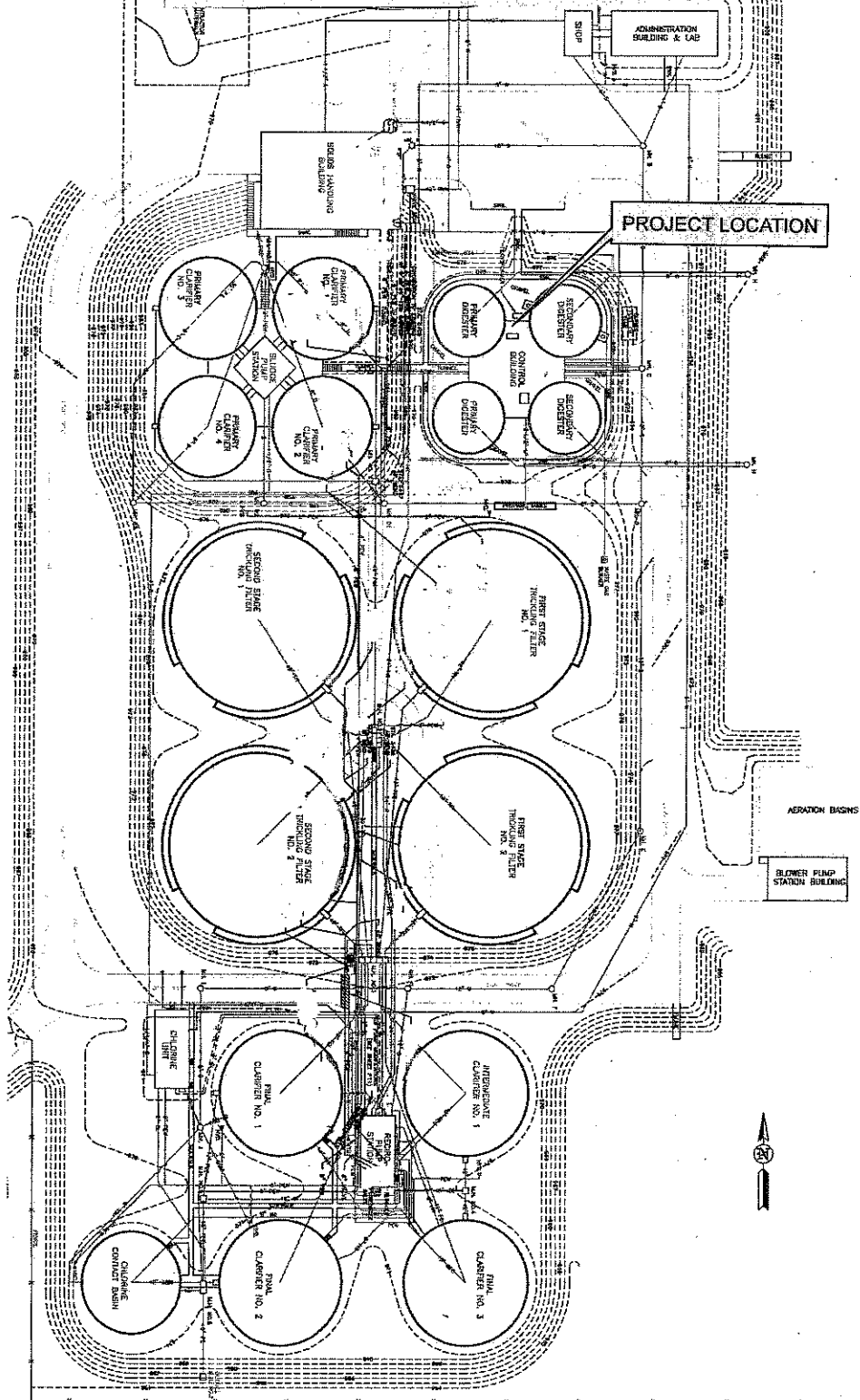
RECOMMENDATION

Approval of this resolution.

**FY10-18
WASTEWATER TREATMENT PLANT
DIGESTER COMPLEX UPGRADE**



**FY10-17
WASTEWATER TREATMENT PLANT
DIGESTER COMPLEX UPGRADE**



RESOLUTION
NO 09-333

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
WASTEWATER TREATMENT PLANT DIGESTER COMPLEX UPGRADE
FY10-18**

WHEREAS, the City wishes to make improvements known as the
Wastewater Treatment Plant Digester Complex Upgrade,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Wastewater Treatment Plant Digester Complex Upgrade setting December 14, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading November 23, 2009

Case/Project No.: FY09-10

Resolution No. 09-334

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on December 14, 2009, for the Fire Station Bridge Crossing Indian Creek. Project #FY09-10.

BACKGROUND/DISCUSSION

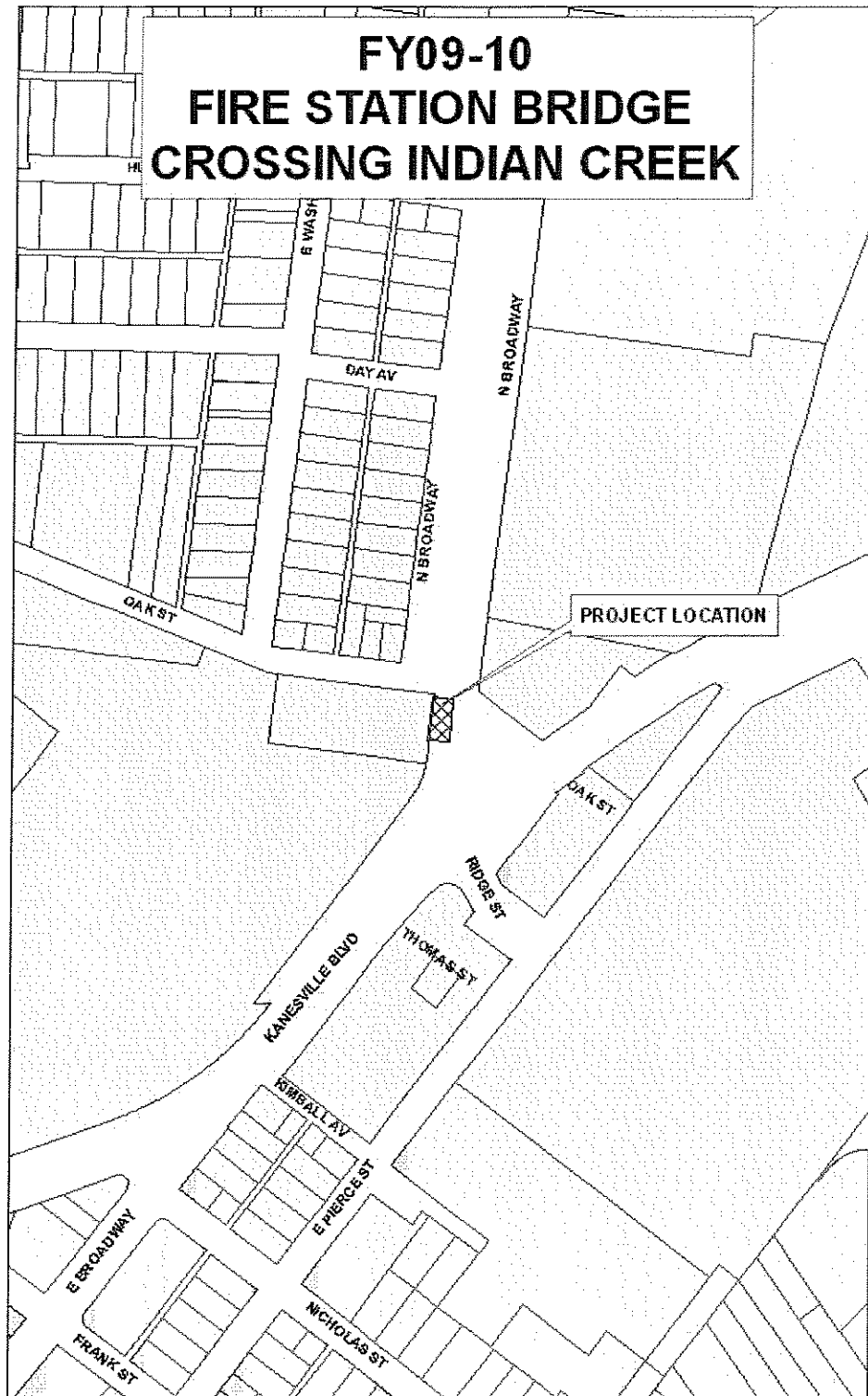
- This bridge was originally built in 1956 and it is in poor condition. Total replacement of the bridge is required.
- The Oak Street Fire Station Bridge over Indian Creek was the City's worst rated bridge. It ranked fourth in the state for bridges participating in the program.
- IDOT has offered the city 80% funding for construction replacement of the Oak Street Fire Station Bridge.
- The bridge will be replaced by a box culvert structure similar to the Parkwood Circle structure constructed in 2008-2009. As part of this project the Oak Street Bridge will be replaced by the culvert as well.
- The bridge replacement is eligible for HBRR federal aid. This funding is available on a statewide competitive basis. This structure became eligible for replacement in 2005. The City programmed and accepted Federal funding in February 2008 in Agreement No. 408-HBRRU-008.
- The project is programmed in the CIP for FY09 with construction to begin in late 2009. The project is funded \$1,000,000 HBRR and \$500,000 G.O. Bonds.
- Project schedule is:

Set Public Hearing	November 23, 2009
Hold Public Hearing	December 14, 2009
IDOT Bid Letting	January 20, 2010
Award	January 25, 2009
Construction in	2010

RECOMMENDATION

Approval of this resolution.

**FY09-10
FIRE STATION BRIDGE
CROSSING INDIAN CREEK**



RESOLUTION
NO 09-334

**RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
FIRE STATION BRIDGE CROSSING INDIAN CREEK
FY09-10**

WHEREAS, the Iowa Department of Transportation wishes to make improvements known as the Fire Station Bridge Crossing Indian Creek, within, the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the Iowa Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Fire Station Bridge Crossing Indian Creek setting December 14, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

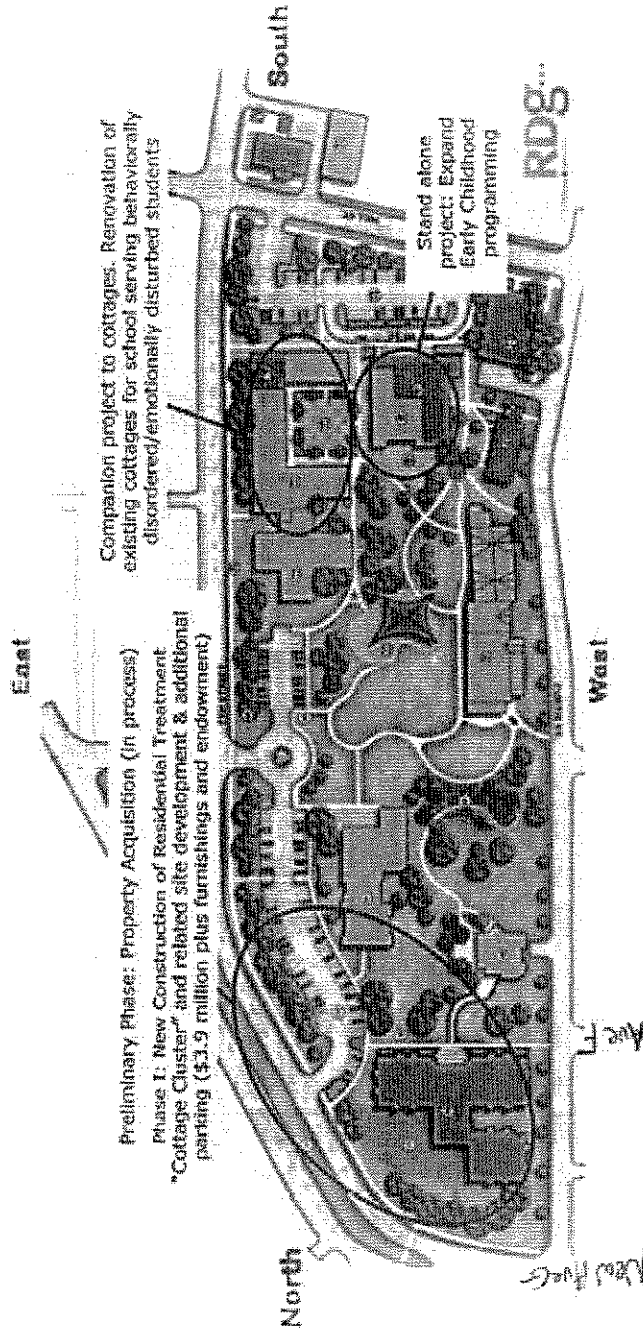
Council Communication

Department: Community Development Case #SAV-09-007 Applicant: CHA Properties, LLC & The Christian Home Association/ Children's Square USA	Resolution of Intent No. <u>09-335</u> Resolution to Dispose No. _____	City Council: 11-23-09 Planning Commission: <u>11/10/09</u> Set Public Hearing: <u>11/23/09</u> Public Hearing: <u>12/14/09</u>
Subject/Title		
Request of CHA Properties, LLC & The Christian Home Association/Children's Square USA, North 6 th - North 7 th Streets and Avenue E, PO Box 8-C, Council Bluffs, IA 51502, represented by Joseph D. Thornton, Smith Peterson Law Firm, 35 Main Place, Suite 300, PO Box 249, Council Bluffs, IA 51502-0249, to vacate Avenue F right-of-way lying between North 6 th and Curtis Streets and also to vacate the east/west alley between Avenue F and Avenue G, from North 6 th to Curtis Street in Block 3, Mill Addition.		
Background		
<p>The Christian Home/Children's Square is requesting vacation of the above mentioned rights-of-way to allow for the expansion of their existing facilities, additional parking and green space. Attached Exhibit 'A' <i>Campus Expansion and Program Development Initiatives</i> illustrates the layout of Phase I – Construction of Residential Treatment Facilities which incorporates the vacated right-of-way. The <i>Project Need and Description</i> is also explained.</p> <p>Public Works will need an easement for an existing storm sewer located in Avenue F. The existing sanitary sewer will become private. Water Works and Black Hills Energy both have facilities within Avenue F right-of-way, which will also require an easement. MidAmerican Energy and Qwest Communications have facilities within in the alley.</p>		
Comments		
CHA Properties/Christian Home Association have completed the acquisition of all properties abutting the subject rights-of-way. Their plans call for the demolition of these properties, which will be good visual enhancement of the roadway improvements the City has recently made. Approving their request for vacation will allow for the expansion and improvement of their existing facility.		
Recommendation		
The Community Development Department recommends vacation of Avenue F right-of-way lying between North 6 th - North 7 th and Curtis Streets and also vacation of the east/west alley between Avenue F and Avenue G, from North 6 th – North 7 th to Curtis Street in Block 3, Mill Addition, subject to retention of utility easements.		
Public Hearing		
Carol Wood and Joseph Thornton, representing the applicant appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends vacation of Avenue F right-of-way lying between North 6 th and Curtis Streets and also vacation of the east/west alley between Avenue F and Avenue G, from North 6 th Street to Curtis Street in Block 3, Mill Addition, subject to retention of utility easements.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Exhibit 'A' and map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

Campus Expansion and Program Development Initiatives

March 30, 2009

FY2010 Request \$1,500,000 for Construction of Residential Treatment Facilities



Overall Costs: \$14.2 million plus furnishings and endowment

- Construction of psychiatric residential treatment facilities
- Renovation of existing facilities for special education programming
- Expansion of facilities for early childhood care and education
- Restoration of two historical buildings for other uses
- Site Projects such as parking, lighting, storage structures, and landscaping

Building Vision, Courage & Will

Children's Square U.S.A. FY2010 Request

Campus Expansion and Program Development Initiatives

Phase I—Construction of Residential Treatment Facilities

Organization:

Christian Home Association -
Children's Square U.S.A.
North 6th Street & Avenue E
P.O. Box 8-C
Council Bluffs, IA 51502-3005
(712) 322-3700
(712) 325-0913 (fax)
www.childrensquare.org

Organization Contacts:

Carol D. Wood *President & CEO*
cwood@childrensquare.org
(712) 322-3700 ext. 231
(712) 326-5864 (cell)

Becky Snedeker *Special Projects Liaison*
bsnedeker@childrensquare.org
(712) 322-3700 ext. 224
(402) 250-6214 (cell)

FY10 Request

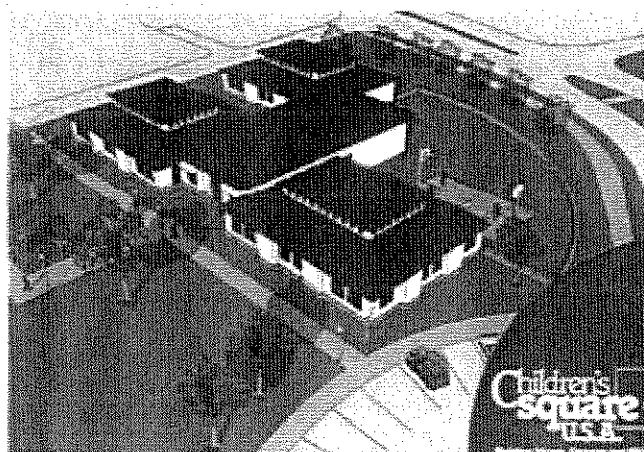
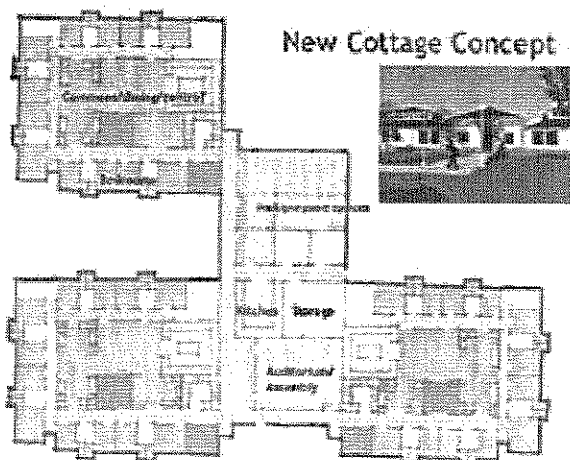
\$1,500,000 through HHS is requested to assist in the construction of psychiatric residential treatment facilities serving seriously emotionally disturbed children in Iowa. Project costs are estimated at \$4.6 million excluding furnishings and endowment.

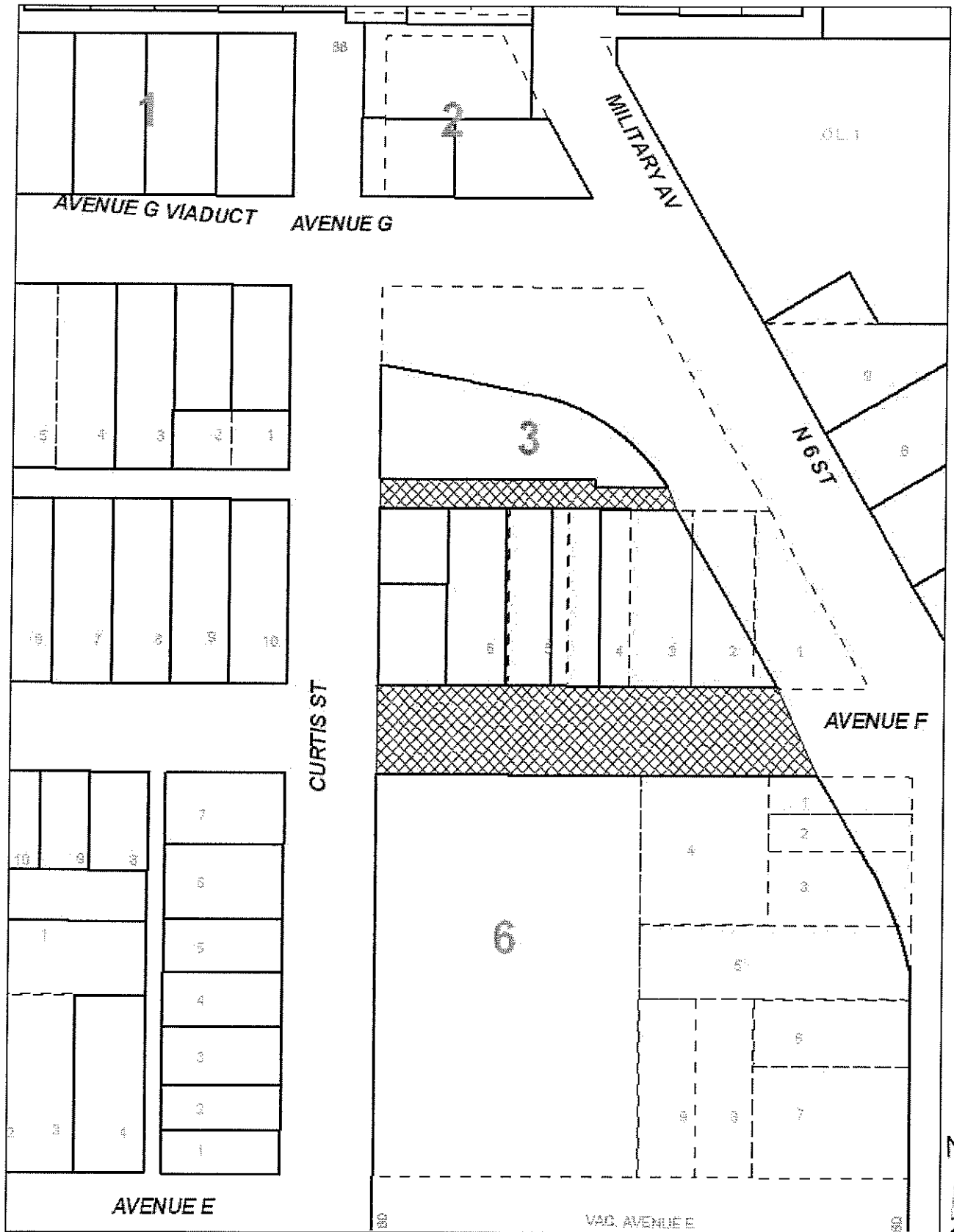
Project Need and Description

Construction of Residential Treatment Facilities is Phase I in Children's Square U.S.A.'s overall Campus Expansion and Program Development Initiatives. New facilities are needed to provide the therapeutic environment necessary for the children and adolescents being served. There is a need for more single bedrooms and single person restrooms as opposed to the current dormitory style living. The need for increased site supervision is also necessary for safety reasons. In addition, there is a significant need for additional programming space that is multipurpose as well as family friendly. This shared space is accessible by all three individual cottages. Incorporated into it is an assembly area that will be used as a storm/safety shelter when necessary.

*-Mother of
Residential
student*

Children's Square U.S.A.'s Residential Treatment Program is licensed as a Psychiatric Medical Institution for Children and has a Certificate of Need for 42 beds. An average of 100 children and adolescents are treated each year. These 8 - 18 year olds are a small fraction of the 6 - 11% of Iowa's children that experience significant emotional and mental health disorders. With early identification and an array of appropriate interventions and treatment services, including the Psychiatric Residential Treatment program offered through Children's Square U.S.A., children with emotional, behavioral and mental health disorders and their families can get the help they need to go on to live productive lives.





 REQUESTED VACATION

CASE #SAV-09-007



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-335

A RESOLUTION OF INTENT TO VACATE AVENUE F RIGHT-OF-WAY LYING BETWEEN NORTH 7TH AND CURTIS STREETS ALONG WITH THE EAST/WEST ALLEY IN BLOCK 3, MILL ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, CHA Properties, LLC & The Christian Home Association/Children's Square USA requests vacation of Avenue F right-of-way lying west of the 2009 relocated Westerly right-of-way line of North 7th Street and east of the East right-of-way line of Curtis Street and also vacation of the east/west alley in Block 3, Mill Addition between Avenue F and Avenue G lying west of the 2009 relocated Westerly right-of-way line of North 7th Street and east of the East right-of-way line of Curtis Street; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property;
and

BE IT FURTHER RESOLVED

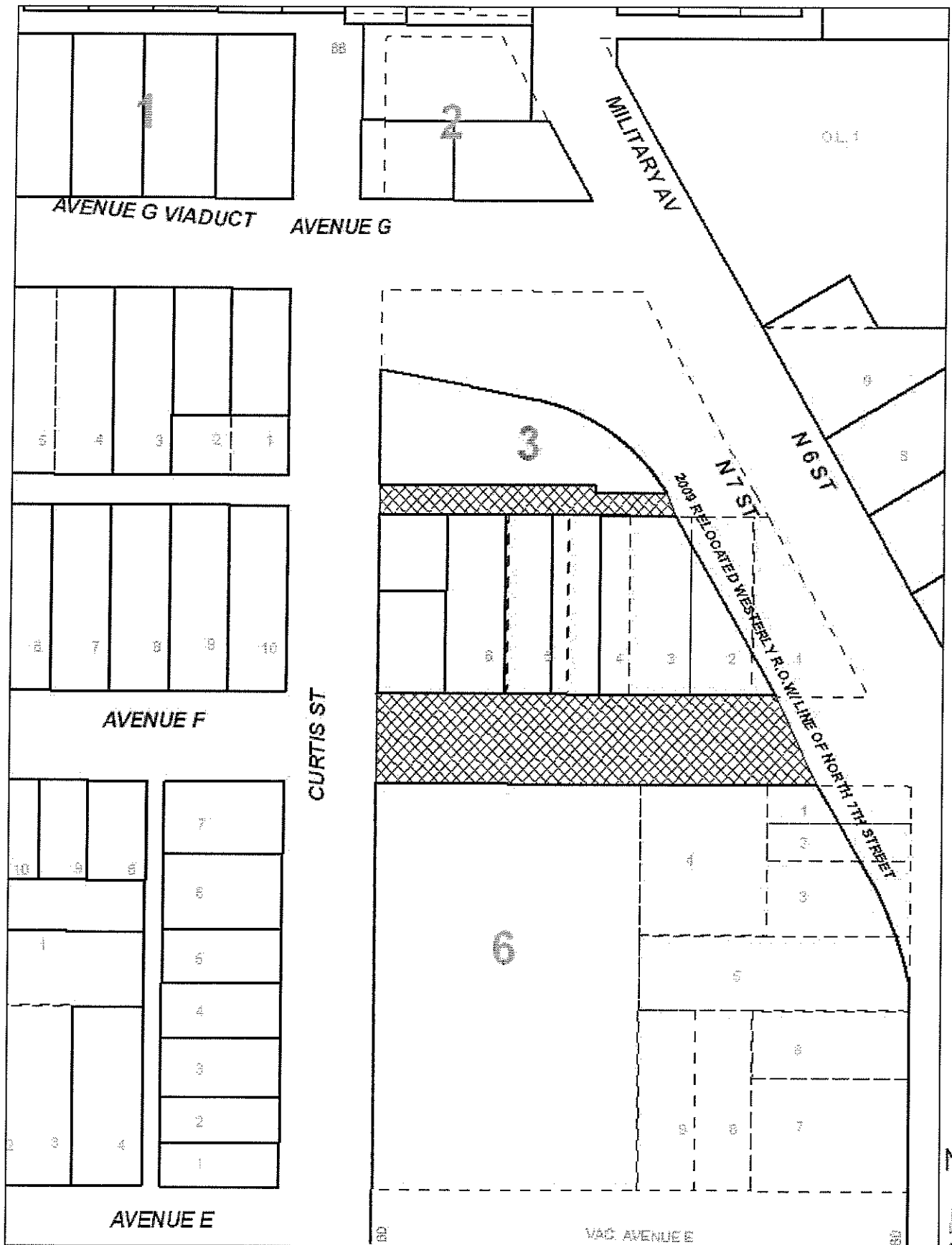
That a public hearing on the City's intent to dispose of this property is hereby set for December 14, 2009.

ADOPTED
AND
APPROVED:

November 23, 2009

Thomas P. Hanafan Mayor

ATTEST: _____
Marcia Worden, City Clerk



REQUESTED VACATION

CASE #SAV-09-007

Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____ Resolution No. <u>09-349</u>	Date: <u>November 23, 2009</u>
Case/Project No.		
Applicant: Larry N. Foster		
Subject/Title		
Council consideration of a resolution setting Public Hearing on the plans, specifications and form of contract for the America Rides the Rails Project at 7:00 P.M. on December 14, 2009.		
Background/Discussion		
<p>The Friends of the Union Pacific Railroad Museum have received a Transportation Enhancement Grant from the Iowa Department of Transportation for new exhibits in the museum. The grant amount is \$238,000 with matching monies from private foundations.</p> <p>The City of Council Bluffs is acting as the Local Public Agency for this project as required by the IDOT. The City Council has previously agreed to the contract with IDOT for this project. The new exhibits focus on passenger travel and will replace the current exhibits on the top floor on the south side of the museum. No City funds will be used for this project. The project will be bid per IDOT and the City of Council Bluffs specifications.</p>		
Recommendation		
I recommend that the City Council adopt the resolution to set Public Hearing for December 14, at 7:00 P.M.		

Larry N. Foster

Thomas P. Hanafan

RESOLUTION NO. 09-349

RESOLUTION ORDERING THE CITY CLERK TO PUBLISH NOTICE AND
SETTING A PUBLIC HEARING ON THE PLANS, SPECIFICATIONS AND
FORM OF CONTRACT FOR THE AMERICA RIDES THE RAILS PROJECT.

WHEREAS, the city of Council Bluffs desires to make improvements to the Union Pacific
Museum known as the America Rides the Rails Project, within the City, as
therein described; and

WHEREAS, the plans, specifications and form of contract are on file in the office of the City
Clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE
CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set Public Hearing on December 14, 2009, at 7:00 P.M., for
the America Rides the Rails Project.

ADOPTED
AND
APPROVED November 23, 2009

Thomas P. Hanafan Mayor

Attest:

Marcia L. Worden City Clerk

ORDINANCE NO. 6044

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED WEST OF RAILROAD HIGHWAY AND NORTH OF EAST KANESVILLE BLVD., FROM R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL TO A-2/PARKS, ESTATES AND AGRICULTURAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located west of Railroad Highway and north of East Kanessville Blvd., legally described as follows:

15.9 acres in a portion of Lot 1, Auditor's Subdivision of the NW ¼ SE ¼ and a portion of Lot 2, Auditor's Subdivision of the NE ¼ SE ¼, all in Section 20-75-43, in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.10 and 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED November 23, 2009

THOMAS P. HANAFAN Mayor

Attest:

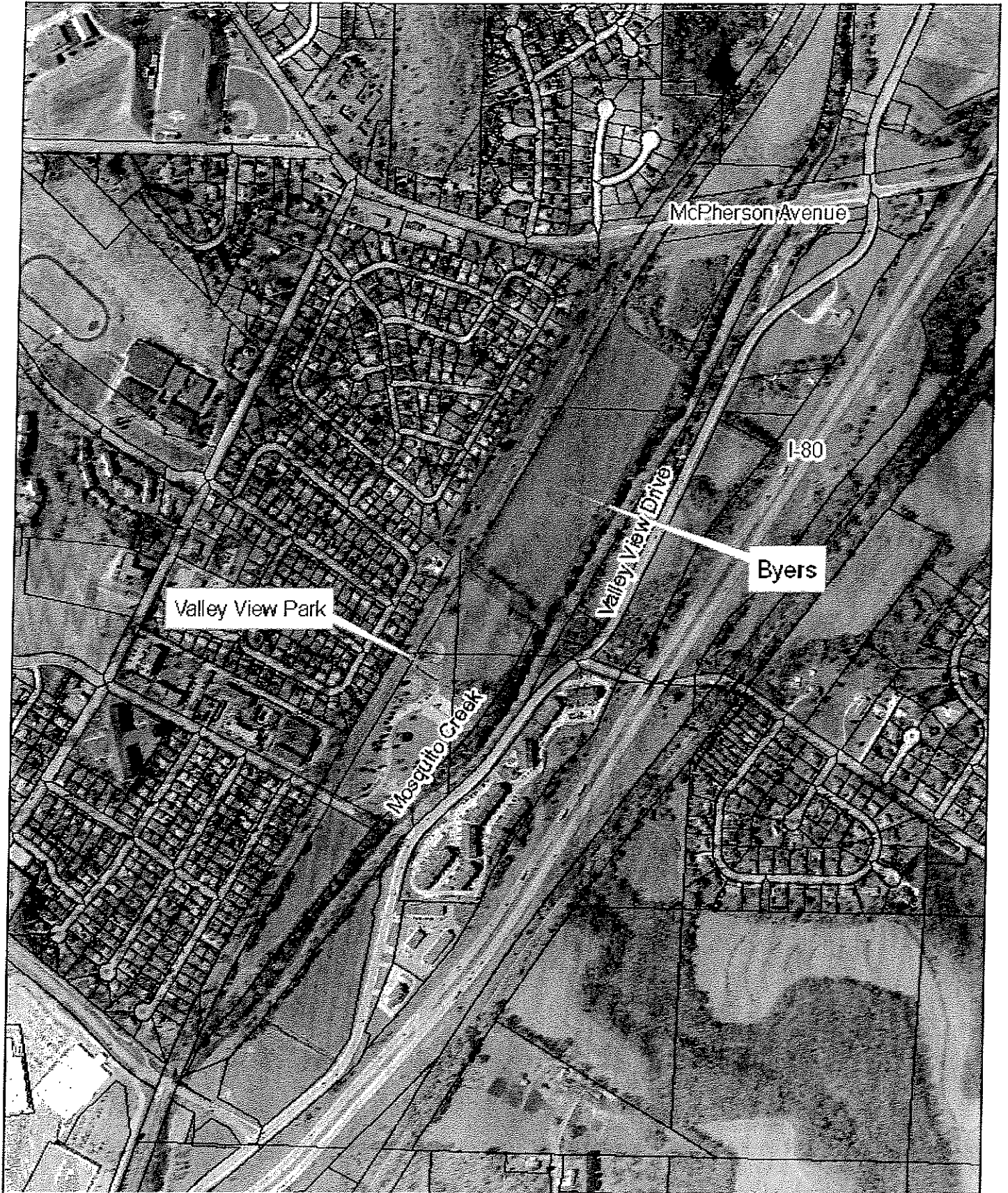
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: October 26, 2009
SECOND CONSIDERATION: November 9, 2009
PUBLIC HEARING: November 9, 2009

Council Communication

Department: Community Development Case No. N/A Applicant: Community Development	Resolution No. <u>09-337</u>	Public hearing: November 23, 2009
<p align="center">Subject/Title</p> Acquisition of a parcel owned by Robert and Jocelyn Byers along Valley View Drive for the expansion of park land and recreation uses.		
<p align="center">Background/Discussion</p> <p>The City must complete a Land and Water Conservation Fund (LWCF) conversion in order to complete the development of the Playland Park parcel. In summary the conversion process requires the City to acquire and develop a like appraised value of land for park/recreation uses. Three properties adjacent to Valley View Park have been identified to satisfy the LWCF requirement.</p> <p>The Community Development Department and its representatives have initiated discussion with the owners of these three parcels. Of the three properties, two have indicated a willingness to sell voluntarily. Although staff will continue to acquire the remaining (Byers) parcel on a voluntary basis, condemnation may be required. The Byers property was appraised in February 2009 by Mitchell & Associates, Inc. and determined to have a value \$165,000. Legal council representing the City made an offer to the owners for that amount. Mr. Byers contacted the City's representative and verbally provided a counter offer substantially more than the appraised value. Subsequently, Mr. Byers has retained local legal counsel and is having a second appraisal completed. Staff is now recommending that the City proceed with condemnation proceedings. State law sets specific procedures to be followed on the condemnation of agricultural properties. These include a 30-day written, mailed notice along with publication. The property to be acquired includes:</p> <p><u>Robert and Jocelyn Byers</u>: part of Lots 1, 2 and 3 SW1/4 NE1/4, Part of Lot 1 in the SW1/4 NW1/4 and Part of Lots 2 and 5 in the NW1/4 NE1/4 all in Section 32, Township 75, Range 43, lying Northwest of Mosquito Creek, Council Bluffs, Pottawattamie County, Iowa.</p>		
<p align="center">Recommendation</p> The Community Development Department recommends initiating the process to acquire the property by eminent domain, starting the condemnation process according to Chapter 6B of the Iowa Code.		
Attachment: Location Map		
Prepared by: Rose E. Brown, Urban Planner Approved by Donald D. Gross, Director		

Valley View Drive



RESOLUTION NO. 09-337

A RESOLUTION TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY GENERALLY DESCRIBED AS PART OF LOTS 1, 2, AND 3 IN THE SW/4 NE1/4, PART OF LOT 1 IN THE SE1/4 NW1/4 AND PART OF LOTS 2 AND 5 IN THE NW1/4 NE1/4 ALL IN SECTION 32, TOWNSHIP 75, RANGE 43, LYING NORTHWEST OF MOSQUITO CREEK, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Public hearing has been held pursuant to Chapter 6B of the Iowa Code regarding the acquisition of certain property as described in the notice of public hearing, the use of condemnation to acquire the property if negotiations for a voluntary purchase fail is authorized; and

WHEREAS, Robert and Jocelyn Byers are the owners of certain property within the City of Council Bluffs that is generally described as part of Lots 1, 2 and 3 SW1/4 NE1/4, Part of Lot 1 in the SW1/4 NW1/4 and Part of Lots 2 and 5 in the NW1/4 NE1/4 all in Section 32, Township 75, Range 43, lying Northwest of Mosquito Creek, Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, the City has identified agricultural property, the acquisition of which is necessary for purposes of establishing expanding park land and recreational uses in the eastern part of the City; and

WHEREAS, it is in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That condemnation proceedings be initiated against Robert and Jocelyn Byers for the properties described herein; and

ADOPTED
AND
APPROVED November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No.	First Reading: N/A
Case/Project No.: N/A	Resolution No. <u>09-338</u>	Second Reading: N/A
		Third Reading: N/A
Subject/Title		
Authorizations for the appropriation of funds, Certification of Debt, and directing the filing of the certification report with the County for the Mid-America Center Urban Renewal Area.		
Background/Discussion		
<u>Background</u>		
According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u>		
The Mid American Convention Center Urban Renewal Areas was established by Resolution 01-140 on May 21, 2001 and the TIF district was established by Ordinance 5607 on June 25, 2001.		
Mid America Recreation & Convention Complex		
On July 24, 2001, a development agreement was signed between the City of Council Bluffs (City), Council Bluffs Community Betterment Foundation (CBF), Iowa West Foundation (Iowa West), Southwest Iowa Foundation (SWIF), and Harvey's Casino Resorts (Harvey's) for the development of the MARCC. The City's obligation under the agreement was to install necessary public infrastructure and to rebate monies advanced by Iowa West to assist in the development of the property up to \$9,900,000 at 0% interest.		
Debt Service (Go Bond Series 01-1)		
The \$8,700,000 in 2001-1 Series General Obligation Bonds was issued to finance the City's infrastructure obligations under the MARCC development agreement. The bonds were to be repaid using tax incremental revenue from the urban renewal area, together with interest at 3.50-4.12%. The indebtedness at the time the agreement was signed was estimated to be \$10,179,903.		
Gaming		
In FY04/05, the City transferred \$1,313,648 of Gaming Funds to the Debt Service Fund to pay all the annual debt for the MAC projects. In FY05/06, the City transferred \$620,000 of Gaming Funds to the Debt Service Fund to pay a portion of the annual debt for the MAC projects. In FY06/07, the City transferred \$600,000 of Gaming Funds to the Debt Service Fund to pay a portion of the annual debt for the MAC projects. The monies were intended to be an internal loan from Gaming to the TIF fund with the funds being repaid using tax incremental revenue from the urban renewal area. The indebtedness of the internal loan is \$2,533,648.		
Debt Service		
In FY05/06, \$456,862 of Debt Service Fund was used to cover the remaining balance of the annual		

debt for the MAC projects. In FY06/07, \$489,023 of Debt Service Fund was used to cover the remaining balance of the annual debt for the MAC projects. The monies were intended to be an internal loan from Debt Service to the TIF fund with the funds being repaid using tax incremental revenue from the urban renewal area. The indebtedness of the internal loan is \$945,885.

Bass Pro

On November 22, 2004, an economic development agreement between the City of Council Bluffs, Southwest Iowa Foundation, Iowa West Foundation and the Council Bluffs Community Betterment Foundation was signed for assistance in the development of a major commercial enterprise to be located within the MAC Urban Renewal Area. Starting December 2005, the City would annually appropriate funds to the Bass Pro Trustee to retire the Notes as set forth in the agreement. The City shall have no obligation to fund payments due under the Notes in any manner whatsoever from any specific source. The annual appropriation for FY10/11 is \$787,458.

The indebtedness at the time the agreements were signed is estimated to be \$21,243,000.

For FY10/11, the MAC TIF would transfer \$404,661 towards the internal loan from Debt Service, transfer \$1,593,113 to Debt Service for the 2001-1 bond payment, and make a total payment of \$787,458 to Bass Pro Trustee, totaling \$2,785,232. This action does require Council approval and a resolution has been prepared.

Recommendation

Council approval of the resolution authorizing appropriation of funds, Certification of Debt, and directing the filing of the Certification to the County Auditor for the Mid-America Center Urban Renewal Area.

Department Head Signature

Mayor Signature

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: MARCC 2000

Urban Renewal Area Number: 78030 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ **788,000**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this _____ day of _____, _____

Signature of Authorized Official

712-328-4605
Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEARCity: Council Bluffs County: PottawattamieUrban Renewal Area Name: MARCC 2000Urban Renewal Area Number: 78030 (Use five-digit Area Number Assigned by the County Auditor)

Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of previously certified amount.	07-01-07 Net Balance	
One previously certified TIF indebtedness.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
2. Bass Pro economic development agreement signed on November 22, 2004	11-23-09	788,000
The agreement requires an annual appropriation of the funds to the Bass Pro Trust Account.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
3.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
4.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
5.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 788,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Maximum TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: MARCC 2000

Urban Renewal Area Number: 78030 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum available TIF increment tax revenue as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

[illegible]

Dated this day of ,

Signature of Authorized Official

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds, and Directing Filing of the Certifications for Mid-America Center Urban Renewal Area.

Such additional matters as are set forth on the additional 7 page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden,

City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Bates, Belt, Branigan, Schultz, Walsh

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS, and AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MID-AMERICA CENTER URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

RESOLUTION NO. 09-338

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS, AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MID-AMERICA CENTER URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19.

WHEREAS, the City of Council Bluffs, Iowa has established the Mid-America Center Urban Renewal Area (the "Urban Renewal Area") and is undertaking certain projects within the Urban Renewal Area (the "Project"); and

WHEREAS, it is the intention of the City to certify the amount of funds so advanced for reimbursement under Iowa Code Section 403.19; and

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Ordinance there has been established the Mid-America Center Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Mid-America Center

Urban Renewal Area are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403.

Section 2. Certify as debt and authorize payment up to \$787,458 to the Bass Pro Trust Account per the economic development agreement with Council Bluffs Community Betterment Foundation, Iowa West Foundation, Southwest Iowa Foundation and First National Bank of Omaha. The payment may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 3. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, advance of funds for repayment, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

Section 4. The maximum grant and internal loan payments for FY2010/2011 would be \$2,785,773.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
COUNCIL BLUFFS, IOWA, this 23rd day of November, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this 24th day of November, 2009.

Marcia L. Worden, City Clerk

SEAL

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>09-339</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A
Subject/Title		
Authorizations for the Certification of Debt and directing the filing of the certification report with the County for the South Main Urban Renewal Area.		
Background/Discussion		
<u>Background</u> According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u> The South Main Urban Renewal Areas was established by Resolution 98-155 on June 22, 1998 and the TIF district was established by Ordinance 5889 on June 26, 2006. Two development agreements were signed: one with CBIA-LLLP and the other with Prime Development, LLC. The development agreement with CBIA-LLLP provides for a 60% rebate of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The development agreement with Prime Development, LLC provides for a 60% grant of the total tax increment attributable to the Commercial Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. On October 24, 2005, Resolution 05-290 amended the development agreement with CBIA-LLLP setting the maximum rebate at \$504,385. The indebtedness at the time the agreements were signed is \$504,385 to CBIA-LLLP and \$63,000 to Prime Development, LLC, totaling \$567,385 This action does require Council approval and a resolution has been prepared.		
Recommendation		
Council approval of the resolution for the Certification of Debt and directing the filing of Certification to the County Auditor for the South Main Urban Renewal Area.		

Department Head Signature

Mayor Signature

SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Maximum TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: South Main

Urban Renewal Area Number: (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum available TIF increment tax revenue as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

[illegible]

Dated this day of ,

Signature of Authorized Official

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving the Debt Certification Forms and Directing Filing of the Certifications for South Main Urban Renewal Area.

Such additional matters as are set forth on the additional 7 page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden,

City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Bates, Belt, Branigan, Schultz, Walsh

Absent: None

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING THE DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE SOUTH MAIN URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

09-339

RESOLUTION APPROVING THE DEBT
CERTIFICATION FORMS AND DIRECTING FILING OF
THE CERTIFICATIONS TO THE COUNTY AUDITOR
FOR THE SOUTH MAIN URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this 24th day of November, 2009.

Marcia L. Worden,

City Clerk

SEAL

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>09-340</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A
Subject/Title		
Approving the Certification of Debt forms and directing the filing of the certification report with the County for the Hawkeye Heights Urban Renewal Area.		
Background/Discussion		
<p><u>Background</u></p> <p>According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.</p> <p><u>Discussion</u></p> <p>The Hawkeye Heights Urban Renewal Area was established by Resolution 07-57 on February 26, 2007 and the TIF district was established by Ordinance 5922 on March 26, 2007. A development agreement was signed with Council Bluffs Retirement, LLC on March 12, 2007. It provided for a 50% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. On August 25, 2008, the development agreement was amended by Resolution 08-249 that changed the language in Section 4.7 "Annual Certification" and Section 6.1a "Council Bluffs Retirement Project". In Section 6.1a, the first year grant percentage was changed to 65% of the total tax increment collected. Commencing with the December 2010 grant payment, the percentage will equal 50% of the total tax increment collected by the City.</p> <p>The indebtedness at the time the agreement was signed was \$1,007,716.</p> <p>This action does require Council approval and a resolution has been prepared.</p>		
Recommendation		
Council approval of the resolution authorizing Certification of Debt and directing the filing of Certification to the County Auditor for the Hawkeye Heights Urban Renewal Area.		

Department Head Signature

Mayor Signature

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Hawkeye Heights

Urban Renewal Area Number: _____ (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ **119,000**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this _____ day of _____, _____

Signature of Authorized Official

712-328-4605
Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEARCity: Council Bluffs County: PottawattamieUrban Renewal Area Name: Hawkeye HeightsUrban Renewal Area Number: 00000 (Use five-digit Area Number Assigned by the County Auditor)

Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of not previously certified amount.		0
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
2. Grant with Council Bluffs Retirement LLC was signed on March 12, 2007.	11-23-2009	119,000
The estimated indebtedness of all grant payments is \$1,007,716.		
This grant requires an annual appropriation of the grant payment to the Developer. FY09/10 grant payment is \$94,000.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
3.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
4.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
5.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 119,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Maximum TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Hawkeye Heights

Urban Renewal Area Number: _____ (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum available TIF increment tax revenue as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

[illegible]

Dated this day of ,

Signature of Authorized Official

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms and Directing Filing of Certifications for the Hawkeye Heights Urban Renewal Area.

Such additional matters as are set forth on the additional 7 page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden,

City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Bates, Belt, Branigan, Schultz, Walsh

Absent: None

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE HAWKEYE HEIGHTS URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

09-340

RESOLUTION APPROVING DEBT CERTIFICATION
FORMS, APPROPRIATING FUNDS AND DIRECTING
FILING OF THE CERTIFICATIONS TO THE COUNTY
AUDITOR FOR THE HAWKEYE HEIGHTS URBAN
RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

